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<div align="right">PATENT</div>

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF: JEFFREY P. BEZOS *ET AL.*

APPLICATION NO.: 09/151,617

FILED: SEPTEMBER 11, 1998

FOR: **METHOD AND SYSTEM FOR PLACING A PURCHASE ORDER VIA A COMMUNICATIONS NETWORK**

EXAMINER: G. AKERS

ART UNIT: 3624

Appeal Brief Transmittal

Mail Stop: Appeal Brief-Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Further to the Notice of Appeal submitted October 22, 2001, enclosed herewith are the following:

☒ Applicant's Supplemental Appeal Brief in triplicate.

☒ Amendment.

☒ Request for Reinstatement of Appeal.

☐ Fee (37 C.F.R. § 1.17(c)): ☐ Small Entity: $160.00
☐ Large Entity: $320.00

    ☐ A check for $320.00 covering the above fee is enclosed.

    ☐ Please charge the above fee(s) to Deposit Account No. 50-0665. This paper is provided in triplicate.

    ☒ Please charge any underpayment for timely consideration of this paper to Deposit Account No. 50-0665.

☒   Applicant petitions for an Extension of Time if necessary for timely filing of this Brief.

Respectfully submitted,

Perkins Coie LLP

Date: May 19, 2003

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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF: JEFFREY P. BEZOS *ET AL.*	EXAMINER: G. AKERS
APPLICATION NO.: 09/151,617	ART UNIT: 3624
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REQUEST FOR REINSTATEMENT OF APPEAL

UNDER 37 C.F.R. § 1.193(b)(2)(ii)

Mail Stop: Appeal Brief-Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicants respectfully request reinstatement of the appeal filed on October 22, 2001. The initial appeal brief was filed on January 22, 2002. On December 18, 2002 the Examiner issued an Office Action. Applicants are submitting a Supplemental Brief along with this request.

Respectfully submitted,
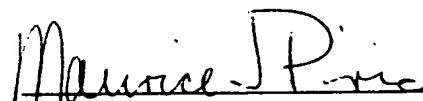
Perkins Coie LLP

Date: May 19, 2003

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SUPPLEMENTAL BRIEF[1]

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P.O. Box 1450
Alexandria, VA 22313-1450

I. REAL PARTY IN INTEREST

The real party in interest is Amazon.com, Inc.

II. RELATED APPEALS AND INTERFERENCES

Applicants, applicants' legal representative, and the real party in interest are unaware of any appeal or interference that will directly affect, be directly affected by, or have a bearing on the Board's decision in the present appeal.

III. STATUS OF CLAIMS

Claims 1-55 have been presented.[2]

Claims 1, 3-9, 12-14, 17, 19-23, 25-31, 34-35, 37-39, 42-44, 47-48, and 51-55 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,826,242 to Montulli ("Montulli") in view of U.S. Patent No. 5,870,717 to Wiecha ("Wiecha").

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[1] This Brief supersedes the initial appeal brief filed on January 22, 2002.

[2] The Appendix of this Brief contains a copy of claims 1-55.

Claims 2, 10-11, 15-16, 18, 24, 32-33, 36, 40-41, 45-46, and 49-50 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Montulli in view of U.S. Patent No. 5,897,622 to Blinn ("Blinn").

Claim 42 is rejected under 35 U.S.C. § 112, second paragraph, "as failing to set forth the subject matter which applicant(s) regard as their invention." According to the Examiner, the "claim is overly broad."

Applicants appeal the rejection of claims 1-55.

IV. STATUS OF AMENDMENTS

Applicants are filing an amendment along with this brief to correct several minor typographical errors in the claims.[3] The corrections do not affect the merits of this appeal.

V. BASIS FOR APPEAL

The Examiner issued a final rejection on May 22, 2001. The Examiner rejected most of the claims as being anticipated by Montulli and the rest of the claims as being obvious over Montulli. Applicants filed a notice of appeal on October 22, 2002 and an appeal brief on January 22, 2002. In the most recent office action dated December 18, 2002, the Examiner reopened prosecution and indicated that applicants' "arguments [in the appeal brief of January 22, 2002] with respect to claims have been considered but are moot in view of the new ground(s) of rejection." (Office Action, Dec. 18, 2002, ¶ 61.) Since the Examiner reopened prosecution, applicants are entitled to request reinstatement of the prosecution under 37 C.F.R. § 1.193(b)(2)(ii).

VI. SUMMARY OF INVENTION

Applicants' invention relates generally to a technology that allows a user to place a purchase order with a vendor over a network without providing complete delivery information (e.g., a delivery address) for a recipient of the order. Prior systems, in

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[3] The Appendix contains the amended claims.

contrast, require that a user provide complete recipient delivery information when placing an order. This requirement increases the time it takes to place an order and may prevent the user from placing an order when recipient delivery information is not readily available. Using applicants' technology, the user purchaser identifies the recipient(s) without providing complete delivery information, which allows a vendor to simplify the ordering process and provide a more flexible and efficient ordering environment. Applicants' technology is especially well suited for gift ordering because the recipient of a gift is someone other than the user placing the order (e.g., the gift giver), and the user as a result may not readily have complete delivery information of the recipient.

In one embodiment of applicants' technology, a system provides information describing an item that a user wishes to order for a recipient and allows the user to identify the recipient. (Specification, 8:9-12, 20-23 and 17:21-22.) The identification of the recipient may be an electronic mail address, a telephone number, or some other way to identify the recipient. (Specification, 19:21-24 and 20:8-10.) The system then uses this identification to obtain complete delivery information for the recipient without further querying the user. (Specification, 18:2-3 and 19:24-20:2.) Once complete delivery information is obtained, the order may be confirmed and the ordered item may be delivered to the recipient. (Specification, 18:12-15.)

According to one embodiment, after the user has identified a recipient, the system uses that identification to automatically contact the recipient to obtain sufficient delivery information if such information has not already been previously ascertained and stored. (Specification, 19:24-25 and Fig. 11.) The system may contact the recipient through electronic mail or an automated telephone call. (Specification, 20:10-14.) If the recipient was contacted via electronic mail, the system may retrieve delivery information from the recipient's responsive electronic mail. (Specification, 20:25-27.) Through these means, the system can obtain sufficient delivery information without requiring the user to supply it at ordering time. The system then uses the obtained delivery information to deliver the ordered item to the recipient and may then store the complete delivery information in a database for later retrieval. (Specification, 25:5-6

and 25:8-9.) Based on its contact with the recipient, if the system determines that it does not have sufficient delivery information, it attempts to obtain the needed delivery information from additional sources of information. (Specification, 22:18-22.) To obtain the needed delivery information, the system may use the recipient identification that the user provided at the time of the order. (Specification, 20:16-18.) For example, the system may use external telephone and electronic mail directories, local customer information databases, or Internet-based search engines to obtain the delivery information. (Specification, 26:1-9.) If the system determines that it lacks sufficient delivery information after attempting to obtain the needed information from these additional sources, the system may put the ordered item on hold and notify the user that the item cannot be delivered. (Specification, 20:1-2 and 22:24-26.)

In one embodiment, when the system determines that it has sufficient delivery information, the system then verifies the delivery information before using it to ship the order. (Specification, 22:13-17.) A human operator may manually verify the delivery information. Alternatively, the system may automatically perform this verification by conducting an automated database search. The verification may involve the use of an external database of U.S. Postal Service addresses for confirmation. (Specification, 26:27-27:4.) If the delivery information is verified, then the item may be shipped. (Specification, 27:7-9.) If the delivery information cannot be verified, the system may put the item on hold and may notify the user that the item cannot be delivered. (Specification, 23:5-6 and 27:6-7.)

VII.   SUMMARY OF RELIED-UPON REFERENCES

A.   Montulli

Montulli relates generally to transmitting information between a client computer and a server computer using an extension to hyper text markup language ("HTML"). (Montulli, 7:45-49.) More specifically, Montulli describes a conventional system for ordering products online.

As described by Montulli, a customer browses an online store and selects products to purchase. (Montulli, 12:34-40.) Once the customer selects an item, the

server requests that the customer provide the details of the selected product (e.g., size, color, or quantity of selections). (Montulli, 12:40-44.) The server processes the order by conducting a limited analysis of the provided details, for example, to validate values. (Montulli, 12:47-49.) This process, which is somewhat analogous to placing items in a shopping cart, is repeated each time the customer selects a new product.

Upon completing the product selection process, the customer proceeds to an ordering phase, or "check-out." (Montulli, 13:15-19.) During check-out, the server expressly requests the customer to submit complete billing and shipping information. (Montulli, 13:18-24.) Because Montulli describes purchasing by use of a credit card, it also provides for an automated credit card authorization process. (Montulli, 13:25-27.) Montulli does not teach authorization or verification of any other information besides the credit card information. Montulli also does not teach using electronic mail addresses to contact intended recipients.

B. Wiecha

Wiecha relates generally to a computer-based purchase order system ("PO system") used by a company to create purchase orders and to submit them to suppliers. The PO system maintains a "shadow catalog" that contains only those items for which a price has been negotiated between the company and a particular supplier. (Wiecha, 3:10-17.)

To submit a purchase order, an employee of the company selects an item from the shadow catalog for purchasing and then submits the purchase order for approval. (Wiecha, 3:19-38.) After the purchase order is approved, it is sent to a "Maintenance Entity" for forwarding to the supplier. (Wiecha, 3:39-44.) The Maintenance Entity is used to maintain the shadow catalog and to forward purchase orders. The PO system can send the purchase orders to the supplier in either electronic or physical format. (Wiecha, 9:47-57.)

Wiecha describes that the billing and shipping information is required on a purchase order in the following description:

Electronic PO

> This is to forward the purchase orders electronically to the vendors via the EPS. [electronic purchasing service] system. Data includes type of transaction, <u>required</u> data as defined by the EDI [electronic data interchange] standards for a **850** PO such as PO number, date, name & address, customer ID, customer master record for <u>shipping and billing information</u>.

(Wiecha, 9:47-53, underline added.)

Wiecha further states that:

> Each line item in a purchase request could be sent to a different vendor. This <u>requires</u> that information such as the <u>shipping and billing address</u> be stored on a line item level, rather than at the header level for a purchase order.

(Wiecha, 9:41-44, underline added.)

C. **Blinn**

Blinn relates to an electronic shopping and merchandising system. The Examiner relies upon Blinn only to show "Internet communications . . . in ordering and purchasing." (Office Action, Dec. 18, 2002, ¶¶ 44-59.)

VIII. **REJECTIONS**

A. **Obviousness Based on Montulli and Wiecha**

The Examiner rejects claims 1, 3-9, 12-14, 17, 19-23, 25-31, 34-35, 37-39, 42-44, 47-48, and 51-55 under 35 U.S.C. § 103(a) as being unpatentable over Montulli in view of Wiecha. (Office Action, Dec. 18, 2002, ¶ 4.)[4]

The Examiner's reasons for rejecting the above claims are contradictory. On the one hand, the Examiner believes, correctly, that "Montulli <u>does not specifically teach</u> whereby when the server system does not have sufficient information for the indicated

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[4] It is not clear whether the Examiner rejects claim 45 based on Montulli in view of Wiecha. Although the Examiner does not specifically list claim 45 in this list, the Examiner discusses this claim as if it were so rejected. (Office Action, Dec. 18, 2002, ¶¶ 4 and 36.)

recipient to deliver the ordered item, the server system obtains additional information from one or more external information sources that is sufficient to deliver the ordered item to the indicated recipient." (Office Action, Dec. 18, 2002, ¶ 5, emphasis added.) To cure this deficiency, the Examiner states that "Weicha [sic] teaches this(col 12 lines 5-20)(Fig 6)(Fig 7)." (*Id.*) The Examiner uses this rationale in rejecting all the above claims except 42-44 and 47. On the other hand, when discussing claims 42-45, and 47, the Examiner asserts that "Montulli teaches . . . when sufficient information is not provided in the gift order, obtaining delivery information from one or more information sources(col 13 lines 20-25)." (Office Action, Dec. 18, 2002, ¶ 33, emphasis added.) The Examiner begins by stating that Montulli does not teach obtaining additional information from one or more external sources, but then later states with respect to claims 42-44 and 47 and claims 12, 17, 34, 39, and 47 that Montulli does teach obtaining such information.

In addition, when discussing claims 12, 17, 34, 39, and 47, the Examiner states that "Montulli teaches . . . the server system obtains the additional information . . . from one or more sources," or similar language. (Office Action, Dec. 18, 2002, ¶¶ 13, 16, 28, 32, and 37, emphasis added.)

B.   Obviousness Based on Montulli and Blinn

The Examiner rejects claims 2, 10-11, 15-16, 18, 24, 32-33, 36, 40-41, 45-46, and 49-50 under 35 U.S.C. § 103(a) as being unpatentable over Montulli in view of Blinn. (Office Action, Dec. 18, 2002, ¶ 43.) All these claims are dependent on claims that the Examiner has rejected over Montulli in view of Wiecha. The Examiner relies on Blinn to cure Montulli's deficiency regarding the use of electronic mail addresses.[5] Because these claims are dependent claims, they all include obtaining additional information that is sufficient to deliver the ordered item, which the Examiner says is not

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[5] The Examiner's position is contradictory as to whether Montulli teaches the use of electronic mail addresses. In discussing claim 45, the Examiner first states "Montulli teaches . . . the recipient is contacted directly by sending an electronic mail." (Office Action, Dec. 18, 2002, ¶ 36.) The Examiner later contradicts this position by stating "Montulli fails to teach the utilization of e-mail addresses." (*Id.* ¶ 56.)

taught by Montulli. The Examiner, however, does not point to anything in Blinn to cure this deficiency in Montulli.

C.   Indefiniteness

The Examiner rejects claim 42 under 35 U.S.C. § 112, second paragraph, "as failing to set forth the subject matter which applicant(s) regard as their invention." (Office Action, Dec. 18, 2002, ¶ 60.) The only basis that the Examiner provides for rejecting this claim is the statement that the "claim is overly broad." (*Id.*)

IX.   ISSUES

A.   Does Wiecha fail to teach or suggest that when a server system does not have sufficient information to deliver an item, obtaining additional information from one or more external information sources sufficient to deliver the item to the recipient?

B.   Does the Examiner fail to establish a *prima facie* case that the claims rejected based on Montulli and Blinn are obvious when the Examiner himself states that Montulli by itself is deficient, but does not rely on Blinn to cure this deficiency?

C.   Does the Examiner fail to establish a *prima facie* case of obviousness of claim 42 when he takes exactly the opposite position in rejecting other claims?

D.   Does the Examiner fail to establish a *prima facie* case of anticipation by not pointing to anything in Montulli that corresponds to applicants' delivery of a gift given by a gift giver to a recipient?

E.   Is Montulli's requesting of shipping information from the customer different from applicants' contacting of the recipient of the item, where the recipient is not the user?

F.   Does Montulli's description of various communications that may occur between a client computer and a server computer over a computer network fail to teach or suggest collecting or obtaining delivery information from a specified list of databases and other information sources?

G.   Is Montulli's authorizing of credit card information different from applicants' verifying of delivery information?

H.   Does the Examiner fail to establish a *prima facie* case of unpatentability of claim 42 under 35 U.S.C. § 112, second paragraph, by simply stating that the claim fails "to set forth the subject matter which applicant(s) regard as their invention" on the basis that the "claim is overly broad?"

X.   GROUPING OF CLAIMS[6]

Applicants are grouping the claims as outlined in the following table. The claims are grouped according to common sets of issues. For example, claims 12 and 34 are grouped together as Group 5 because issues A, C, and F are common to these claims.

Group	Claims	Issues
1	1, 3-8, 13, 19-23, 25-30	A
2	2, 18, 24	B
3	9, 14, 31, 43	A, E
4	10-11, 15-16, 32-33	B, E
5	12, 34	A, C, F
6	17	A, C, E, F
7	35, 37-38, 48	A, D, E, G
8	36, 40-41, 45-46, 49-50	B, D, E, G
9	39	A, C, D, E, F, G
10	42	A, C, D, H
11	43	A, C, D
12	44	A, C, D, E, G
13	47	A, C, D, F
14	51-55	A, D

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[6] Applicants have grouped the claims to simplify issues on appeal. Applicants, however, do not admit that the claims in any group stand or fall together for purposes other than this appeal. In particular, applicants reserve the right to argue the patentability of each claim separately in a subsequent action (e.g., litigation).

XI. ARGUMENT

The Examiner has taken several contradictory positions in rejecting the claims. For example, the Examiner has stated that Montulli does and does not teach obtaining additional delivery information and that Montulli does and does not teach the use of electronic email addresses to contact intended recipients. As a result of these clearly contradictory positions, the Examiner has not even established a *prima facie* case of obviousness for many of the claims. More fundamentally, Wiecha does not teach obtaining additional delivery information because Wiecha requires that all purchase orders include complete delivery information before they are sent to the suppliers as discussed below.

A. Wiecha fails to teach obtaining delivery information from external sources because it requires such delivery information in its purchase orders.

Wiecha teaches that shipping information is <u>required</u> to be in a purchase order before it is sent to a supplier. In particular, Wiecha makes it clear that its electronic purchase order <u>requires</u> data such as "shipping and billing information." (Wiecha, 9:47-53.) To support this requirement, Wiecha provides a function of its PO system so that a purchasing administrator can update the billing and shipping addresses for the entire company. To further support this requirement, Wiecha states that the purchase orders reference these addresses so that the purchase orders can include the required billing and shipping information before they are sent to the suppliers. (Wiecha, 12:5-14.)

The Examiner states that Montulli does not teach when the server system (i.e., the supplier's or vendor's computer) receives an order without sufficient delivery information, obtaining information from an external source that is sufficient to deliver the item. The Examiner relies on Wiecha to cure this deficiency. Wiecha, however, clearly <u>requires</u> a shipping address to be included in a purchase order. Because of this requirement, the supplier who receives the purchase order would have no reason to

look to external sources for shipping information because it is provided in the purchase order by the purchaser.

All of the claims rejected based on the combination of Montulli and Wiecha, namely claims 1, 3-9, 12-14, 17, 19-23, 25-31, 34-35, 37-39, 42-44, 47-48, and 51-55, recite obtaining additional information from external sources. Since neither Montulli nor Wiecha teaches obtaining delivery information from external sources, the Examiner does not establish that these claims are obvious.

B. **The Examiner admits that Montulli does not teach obtaining additional information sufficient to deliver an item, but does not even explain how Blinn cures this deficiency and so fails to establish a _prima facie_ case.**

The Examiner does not even establish a _prima facie_ case that the claims rejected based on the combination of Montulli and Blinn are obvious.

> The term "_prima facie_ case" refers only to the initial examination step. . . .
> [T]he examiner bears the initial burden, on review of the prior art or on any other ground, of presenting a _prima facie_ case of unpatentability. . . .
>
>   . . . .
>
> If examination at the initial stage does not produce a _prima facie_ case of unpatentability, then without more the applicant is entitled to grant of the patent.

In re Oetiker, 977 F.2d 1443, 1445 (Fed. Cir. 1992). To establish a _prima facie_ case, the Examiner must provide evidence that not only would reasonably allow the conclusion the Examiner seeks but also would <u>compel</u> such a conclusion. _In re Spada_, 911 F.2d 705, 707 n.3 (Fed. Cir. 1990).

The Examiner admits that Montulli does not teach obtaining additional information from external sources sufficient to deliver the item. The Examiner, however, does not rely on Blinn to cure this deficiency. Rather, the Examiner relies on Blinn as teaching "Internet communications(Fig 1) in ordering and purchasing(Fig 12)(Fig 14)(col 5 line 15-col 22 line 45)." (Office Action, Dec. 18, 2002, ¶ 44.)

Since the Examiner fails to even attempt to cure the admitted deficiency of Montulli, not only is a conclusion of obviousness not compelled but also such a conclusion is not even reasonable. Thus, the Examiner does not establish a *prima facie* case that claims 2, 10-11, 15-16, 18, 24, 32-33, 36, 40-41, 45-46, and 49-50 are obvious.

C. **The Examiner's position, in rejecting claims 42-44 and claims 12, 17, 34, 39, and 47 as being obvious over Montulli and Wiecha, is on its face contradictory to his position that Montulli does not teach obtaining information from external sources sufficient to deliver an item and so the Examiner fails to establish a *prima facie* case of obviousness.**

The Examiner does not establish a *prima facie* case that claims 42-44 and claims 12, 17, 34, 39, and 47 are obvious because of his contradictory positions. To support his position on claims 42-44, the Examiner states that Montulli <u>teaches</u> "when sufficient information is not provided in the gift order, obtaining delivery information from one or more information sources." (Office Action, Dec. 18, 2002, ¶ 33.) Similarly, in rejecting claims 12, 17, 34, 39, and 47, the Examiner states, for example with reference to claim 12, that "Montulli <u>teaches</u> . . . the server system obtains the additional information by collecting information from . . . ." (*Id.* ¶ 13, emphasis added.) In rejecting claim 1, however, the Examiner takes the exact opposite position in stating that Montulli <u>does not teach</u> "when the server system does not have sufficient information . . ., the server system obtains additional information from one or more external information sources that is sufficient to deliver the ordered item." (*Id.* ¶ 5.) Such a contradiction cannot compel the conclusion that these claims are obvious. *In re Spada*, 911 F.2d 705, 707 n.3 (Fed. Cir. 1990).

D. **Montulli fails to teach or suggest a system for coordinating the delivery of a gift given by a gift giver to a recipient and so the Examiner fails to establish a *prima facie* case of obviousness.**

The Examiner fails to identify any section in Montulli, Wiecha, or Blinn that corresponds to coordinating the delivery of <u>a gift</u>. Applicants' claims 35-55 are directed

to a system for coordinating the delivery of a gift given by a gift giver to a recipient.[7] Montulli's online shopping illustration describes a procedure of ordering products online, but it makes no mention of gifts or gift giving. (Montulli, 11:50-67.) It does not even suggest that the customer may provide a shipping address that is not the customer's own shipping address. (Montulli, 13:16-29.) Moreover, nothing in Wiecha or Blinn relates to gift giving. Thus, the Examiner fails to establish even a *prima facie* case that claims 35-55 are obvious.

E. Montulli's requesting of shipping information from the customer is not related to contacting the recipient of the item when the recipient is not the user.

Montulli's request for billing and shipping information <u>from the customer</u> does not correspond to applicants' contacting of the <u>recipient</u> of the item to obtain delivery information. Montulli specifically describes contacting the customer (i.e., user) to obtain shipping information (Montulli, 13:21-23), while applicants' claims specify that delivery information is obtained by a source <u>other than the user</u>. In the case of claims 9-11, 14-17, 31-33, 35-41, 44-46, and 48-50, the source "other than the user" or "gift giver" is the <u>recipient</u> of the item, who is contacted to obtain delivery information. For example, claim 9 recites obtaining "the additional information by contacting the recipient directly." Because Montulli fails to disclose obtaining delivery information from any source other than the customer, Montulli's request for billing and shipping information is not even similar to applicants' contacting of the recipient (who is not the user) to obtain delivery information.

In addition, claims 35-41 recite a specific order for attempting to obtain delivery information. In particular, these claims recite "sending a communication to the recipient" and "when the recipient does not respond" collecting "from sources other than the gift giver." The Examiner points to nothing in Montulli that describes, and Montulli does not describe, this specific sequence of contacting the recipient, waiting

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[7] Because these claims relate to gift giving, there can be no question that the sender (i.e., the gift giver) is someone other than the recipient.

for a response, and when no response is received, then obtaining delivery information from other sources.

F. **Montulli's various descriptions of generalized communications between client computers and server computers over a computer network fail to teach or suggest automatically collecting or obtaining delivery information from a specified list of databases and information sources.**

One embodiment of applicants' claimed invention has the capability of searching multiple information sources to locate delivery information. These information sources include:

> an Internet-based telephone database, an Internet-based electronic mail database, a local telephone database, a local electronic mail database, an Internet-based search engine, and a database of information relating to the domain name registration of an electronic mail address of the recipient.

(See claims 12, 17, 34, 39, 47; *see also* claim 50.) The Examiner fails to identify anything in Montulli or Wiecha that suggests obtaining information from any of the information sources in this collection. Instead, the Examiner relies on sections of Montulli that describe various ways in which a client computer and a server computer may exchange information, including: (1) communicating product descriptions to clients using hypertext transfer protocol (Montulli, 12:16-31); (2) analyzing and processing product selection and ordering data submitted by a customer on an HTML form document (Montulli, 12:47-49); and (3) transmitting a cookie (which identifies a product selected by a customer) from a server to a client (Montulli, 13:11-13). These descriptions, however, fail to suggest the specific information sources recited in claims 12, 17, 34, 39, and 47. Thus, the Examiner fails to establish that these claims are obvious.

G. **Montulli's authorizing of credit card information is not even similar to verifying of delivery information.**

Contrary to the Examiner's assertions, Montulli's credit card authorization technique is not equivalent to applicants' verifying of delivery information, which is recited in claims 35-41, 44-46, and 48-50. During a typical credit card authorization, a

merchant electronically submits credit card information to a credit card company to determine whether the credit card number is valid and whether the amount exceeds the customer's credit limit.

Applicants' address verification is not similar to credit card authorization. Rather, address verification involves a procedure where, upon receipt of complete delivery information, the system verifies whether the delivery information constitutes a valid address to help ensure that an ordered gift will be sent to a valid address. (Specification, 22:13-17 and 26:26-27.) Because address verification and credit card authorization are different procedures with different functions, Montulli's authorizing of credit card information does not render as obvious applicants' claims that recite verifying of delivery information.

H. Simply stating that a "claim is overly broad" is not sufficient to make a *prima facie* case of indefiniteness under 35 U.S.C. § 112, second paragraph.

The Examiner's assertion that claim 42 is "overly broad" is not only inapposite, but also insufficient to establish a *prima facie* case, under 35 U.S.C. § 112, second paragraph, or any other provision of the patent laws.

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

35 U.S.C. § 112, ¶ 2. "The definiteness requirement of 35 U.S.C. § 112, ¶ 2 is a legal requirement . . . . Definiteness requires the language of the claim to set forth clearly the domain over which the applicant seeks exclusive rights." *Process Control Corp. v. HydReclaim Corp.*, 190 F.3d 1350, 1358 n.2 (Fed. Cir. 1999), *cert. denied*, 529 U.S. 1037 (2000).

The Examiner points to no language in claim 42 that he believes is indefinite. Moreover, the statement that the "claim is overly broad" sounds more like the Examiner is concerned about anticipation or obviousness, rather than the language of the claim clearly setting forth the invention. As a result, a conclusion that claim 42 is indefinite is

not compelled as required to establish a *prima facie* case. *In re Spada*, 911 F.2d at 707 n.3. Thus, a *prima facie* case has not been established.

XII.   CONCLUSION

The Examiner fails to establish that any of applicants' claims are obvious and fails to establish even a *prima facie* case of obviousness for many of the claims. The Examiner recognizes that Montulli is deficient because it does not teach, when an order does not include sufficient delivery information, obtaining additional delivery information from an external source. Wiecha, which the Examiner relies on to cure this deficiency, however, teaches that such delivery information is <u>required</u> in an order, which means that the orders always have sufficient delivery information. Thus, Wiecha provides no suggestion or motivation to cure the deficiency in Montulli. Moreover, as a result of the Examiner's various contradictory positions, he does not establish a *prima facie* case of obviousness for many of the claims. In addition, the cited references fail to teach or suggest (1) collecting delivery information from various sources, (2) coordinating the delivery of a gift from a gift giver to a recipient, and (3) verifying whether the identified delivery information for a gift is valid as recited by various claims. Finally, the Examiner fails to establish that claim 42 is indefinite.

Accordingly, applicants respectfully request reversal of the Examiner's rejections.

Respectfully submitted,

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Date: May 19, 2003

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APPENDIX
PENDING CLAIMS

1.   A computer-implemented method for ordering an item using a client system, the method comprising:

displaying information identifying the item at the client computer system;

receiving from a user an indication of a recipient to whom the ordered item is to be delivered;

displaying an indication of an action that is to be performed by the user to order the item; and

in response to the indicated action being performed, sending to a server system an indication that the item is to be ordered and the indication of the recipient to whom the ordered item is to be delivered

whereby when the server system does not have sufficient information for the indicated recipient to deliver the ordered item, the server system obtains additional information from one or more external information sources other than the user that is sufficient to deliver the ordered item to the indicated recipient.

2.   The method of claim 1 wherein the indication of the recipient is an electronic mail address.

3.   The method of claim 1 wherein the displaying of the information identifying the item and the displaying of the indication of the action to be performed are performed before the receiving of the indication of the recipient from the user.

4.   The method of claim 1 wherein the client system and the server system communicate via the Internet.

5. The method of claim 1 wherein sending includes sending an identifier of the client system.

6. The method of claim 1 wherein the displaying is effected by displaying an HTML document provided by the server system.

7. The method of claim 1 wherein the action is a single action.

8. The method of claim 7 wherein the single action is clicking a mouse button when a cursor is positioned over a predefined area of the display.

9. The method of claim 1 wherein the server system obtains the additional information by contacting the recipient directly.

10. The method of claim 9 wherein the recipient is contacted directly via electronic mail.

11. The method of claim 9 wherein the recipient is contacted directly via a voice telephone call.

12. The method of claim 1 wherein the server system obtains the additional information by collecting information from one or more information sources selected from among an Internet-based telephone database, an Internet-based electronic mail database, a local telephone database, a local electronic mail database, an Internet-based search engine, and a database of information relating to the domain name registration of an electronic mail address of the recipient.

13. A computer-implemented method for ordering an item, the method comprising:

        sending to a client system instructions to display information identifying the item, to input an indication of a recipient to whom the item is to

be delivered, and to send the indication of the recipient to the server system when an indicated single action is performed; and

after the indicated single action is performed,

receiving the indication of the recipient from a user of the client system;

determining whether the server system does not have sufficient information for the indicated recipient to deliver the ordered item; and

when the server system does not have sufficient information, obtaining additional information from one or more information sources other than the user that is sufficient to deliver the ordered item to the indicated recipient, the one or more information sources being external to the server system.

14. The method of claim 13 wherein the server system obtains the additional information by contacting the recipient directly.

15. The method of claim 14 wherein the recipient is contacted directly via electronic mail.

16. The method of claim 14 wherein the recipient is contacted directly via a voice telephone call.

17. The method of claim 14 wherein the server system obtains the additional information by collecting information from one or more information sources selected from among an Internet-based telephone database, an Internet-based electronic mail database, a local telephone database, a local electronic mail database, an Internet-based search engine, and a database of information relating to the domain name registration of an electronic mail address of the recipient.

18.   The method of claim 13 wherein the indication of the recipient is an electronic mail address.

19.   The method of claim 13 wherein the displaying of the information identifying the item and the displaying of the indication of the action to be performed are performed before the receiving of the indication of the recipient from the user.

20.   The method of claim 13 wherein the client system and the server system communicate via the Internet.

21.   The method of claim 13 wherein receiving includes receiving an identifier of the client system.

22.   The method of claim 13 wherein the instructions are within an HTML document.

23.   A computer-implemented method for ordering an item using a client system, the method comprising:

displaying information identifying the item at the client computer system;

receiving from a user an identifier of a group of one or more recipients to whom the ordered item is to be delivered, the identified group having an indication of each recipient in the group;

displaying an indication of an action that is to be performed by the user to order the item; and

in response to the indicated action being performed, sending to a server system an indication that the item is to be ordered and the indication of each recipient in the group to whom the ordered item is to be delivered

whereby when the server system does not have sufficient information for an indicated recipient to deliver the ordered item, the server system obtains additional information from one or more external

information sources other than the user that is sufficient to deliver the ordered item to the indicated recipient.

24. The method of claim 23 wherein the indication of a recipient is an electronic mail address.

25. The method of claim 23 wherein the displaying of the information identifying the item and the displaying of the indication of the action to be performed are performed before the receiving of the identifier of the group from the user.

26. The method of claim 23 wherein the client system and the server system communicate via the Internet.

27. The method of claim 23 wherein sending includes sending an identifier of the client system.

28. The method of claim 23 wherein the displaying is effected by displaying an HTML document provided by the server system. ·

29. The method of claim 23 wherein the action is a single action.

30. The method of claim 29 wherein the single action is clicking a mouse button when a cursor is positioned over a predefined area of the display.

31. The method of claim 29 wherein the server system obtains the additional information by contacting a recipient directly.

32. The method of claim 31 wherein the recipient is contacted directly via electronic mail.

33.   The method of claim 31 wherein the recipient is contacted directly via a voice telephone call.

34.   The method of claim 1 wherein the server system obtains the additional information by collecting information from one or more information sources selected from among an Internet-based telephone database, an Internet-based electronic mail database, a local telephone database, a local electronic mail database, an Internet-based search engine, and a database of information relating to the domain name registration of an electronic mail address of the recipient.

35.   A method in a computer system for coordinating the delivery a gift given by a gift giver to a recipient, the method comprising:

receiving an order from the gift giver, the order identifying a gift to be delivered to the recipient and having contact information describing the recipient;

storing the received order in an order database along with an order tracking number;

sending a communications to the recipient based on the contact information, the communications requesting delivery information for the gift, the communications including the order tracking number so that the recipient can include the order tracking number in a response to the communications for identification of the stored order;

when the recipient does not respond to the communications, collecting additional delivery information for the gift based on the contact information from sources other than the gift giver;

when potential delivery information for the gift has been identified, verifying whether the potential delivery information is valid; and

when the delivery location has been verified as being valid,

sending the gift in accordance with the delivery information; and

notifying the gift giver that the gift has been sent to the recipient.

36.   The method of claim 35 wherein the sending of a communication includes sending an electronic mail message.

37.   The method of claim 35 wherein the order is received via access through a Web page.

38.   The method of claim 35 wherein the delivery information is an address and where the verifying includes:

        checking a database of valid addresses to determine whether the address can be determined to be a valid address; and

        when the address can be determined to be a valid address, indicating that the delivery information has been verified; and

        when the address cannot be determined to be a valid address,

            prompting a person to indicate whether the address is valid; and

            when the person indicates that the address is valid, indicating that the delivery information has been verified.

39.   The method of claim 35 wherein the collecting of additional delivery information includes collecting information from one or more information sources that include an Internet-based telephone database, an Internet-based electronic mail database, a local telephone database, a local electronic mail database, a database of previous recipients and gift givers, an Internet-based search engine, and a database of information relating to the domain name registration of an electronic mail address of the recipient.

40.   The method of claim 35 wherein the communications is a telephone call placed to the recipient.

41.   The method of claim 35 including when the gift cannot be delivered to the recipient, notifying the gift giver that the gift cannot be delivered.

42.　A method in a computer system for coordinating delivery of a gift from a gift giver to a recipient, the gift and recipient being specified in a gift order, the method comprising:

determining whether the gift order includes sufficient information so that the gift can be delivered to the recipient;

when sufficient information is not provided in the gift order, obtaining delivery information from one or more information sources other than the gift giver; and

when sufficient delivery information can be obtained from the additional information sources so that the gift can be delivered to the recipient, directing the gift to be sent to the recipient as indicated by the delivery information.

43.　The method of claim 42 including receiving the gift order electronically.

44.　The method of claim 42 wherein when the gift order contains information such that the recipient can be contacted, obtaining the delivery information by contacting the recipient directly.

45.　The method of claim 44 wherein the recipient is contacted directly by sending an electronic mail message.

46.　The method of claim 44 wherein the recipient is contacted directly by a voice telephone call.

47.　The method of claim 42 wherein the obtaining of delivery information includes collecting information from one or more information sources selected from among an Internet-based telephone database, an Internet-based electronic mail database, a local telephone database, a local electronic mail database, a database of previous recipients and gift givers, an Internet-based search engine, and a database of

information relating to the domain name registration of an electronic mail address of the recipient.

48.   A computer-based gift delivery system for coordinating the delivery of a gift from a gift giver to a recipient, comprising:

an order entry component for providing a selection of available gifts, for receiving a selection of a gift, for receiving contact information describing the recipient, and for storing the gift order; and

a gift delivery component for retrieving the stored gift order, for determining whether the contact information includes sufficient delivery information to deliver the gift to the recipient, for when sufficient delivery information is not included, obtaining additional information about the recipient by attempting to contact the recipient and by searching various databases of information, and for directing the sending of the gift to the recipient when sufficient delivery information has been obtained.

49.   The gift delivery system of claim 48 wherein the order entry component assigns an order tracking identification to each gift order and wherein the gift delivery component includes the order tracking identification when attempting to contact the recipient.

50.   The gift delivery system of claim 48 wherein the gift delivery component searches various Internet-based databases using the recipient name or electronic mail address.

51.   The gift delivery system of claim 48 wherein the order entry component receives payment electronically.

52.   The gift delivery system of claim 48 wherein the order entry component is accessed via Web pages.

53.   A method in a computer system for coordinating the delivery a gift given by a gift giver to a recipient, the method comprising:

receiving an order from the gift giver, the order identifying a gift to be delivered to the recipient and having contact information relating to the recipient;

storing the received order in an order database in association with an order tracking number;

identifying an electronic mail address for the recipient using the contact information received from the gift giver;

sending an electronic mail message to the recipient based on the contact information, the message requesting delivery information for the gift, the message including the order tracking number so that the recipient can include the order tracking number in a response to the message for identification of the stored order;

when an electronic mail message that responds to the electronic mail message sent to the recipient is received from the recipient and the received message has sufficient delivery information,

retrieving the order tracking number and the delivery information from the received electronic mail message;

retrieving from the order database the order associated with the retrieved order tracking number;

directing delivery of the gift of the retrieved order in accordance with the retrieved delivery information; and

sending an electronic mail message to the gift giver indicating that the gift is being delivered to the recipient; and

when an electronic mail message that responds to the electronic mail message sent to the recipient is received from the recipient but the received message does not have sufficient delivery information or when no electronic mail message is received, sending an electronic mail message to the gift giver, the message indicating that the gift cannot be delivered to the recipient and including the

order tracking number so that the gift giver can include the order tracking number for identification of the stored order in a response to the message that provides additional contact information.

54. The method of claim 53 wherein the identifying of an electronic mail address includes accessing one or more web sites for locating the electronic mail address of the recipient.

55. The method of claim 53 including:

upon receiving the additional contact information, sending an electronic mail message to the recipient based on the additional contact information, the message requesting delivery information for the gift, the message including the order tracking number so that the recipient can include the order tracking number in a response to the message for identification of the stored order.

Express Mail No. EV343590435US

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF:	JEFFREY P. BEZOS *et al.*	EXAMINER:	G. AKERS
APPLICATION NO.:	09/151,617	ART UNIT:	3624
FILED:	SEPTEMBER 11, 1998		

FOR: METHOD AND SYSTEM FOR PLACING A PURCHASE ORDER VIA A COMMUNICATIONS NETWORK

AMENDMENT UNDER 37 C.F.R. § 1.111

Mail Stop: Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The amendment accompanies applicants' Supplemental Brief being filed concurrently in the above-identified application. Please amend the application as follows. The attached Appendix presents a marked-up version of the changes made to the claims by the current amendment.

In the Claims:

1.   A computer-implemented method for ordering an item using a client system, the method comprising:

displaying information identifying the item at the client computer system;

receiving from a user an indication of a recipient to whom the ordered item is to be delivered;

displaying an indication of an action that is to be performed by the user to order the item; and

in response to the indicated action being performed, sending to a server system an indication that the item is to be ordered and the

indication of the recipient to whom the ordered item is to be delivered

whereby when the server system does not have sufficient information for the indicated recipient to deliver the ordered item, the server system obtains additional information from one or more external information sources other than the user that is sufficient to deliver the ordered item to the indicated recipient.

2. The method of claim 1 wherein the indication of the recipient is an electronic mail address.

3. (Amended) The method of claim 1 wherein the displaying of the information identifying the item and the displaying of the indication of the action to be performed are performed before the receiving of the indication of the recipient from the user.

4. The method of claim 1 wherein the client system and the server system communicate via the Internet.

5. The method of claim 1 wherein sending includes sending an identifier of the client system.

6. The method of claim 1 wherein the displaying is effected by displaying an HTML document provided by the server system.

7. The method of claim 1 wherein the action is a single action.

8. The method of claim 7 wherein the single action is clicking a mouse button when a cursor is positioned over a predefined area of the display.

9.   The method of claim 1 wherein the server system obtains the additional information by contacting the recipient directly.

10.   The method of claim 9 wherein the recipient is contacted directly via electronic mail.

11.   The method of claim 9 wherein the recipient is contacted directly via a voice telephone call.

12.   The method of claim 1 wherein the server system obtains the additional information by collecting information from one or more information sources selected from among an Internet-based telephone database, an Internet-based electronic mail database, a local telephone database, a local electronic mail database, an Internet-based search engine, and a database of information relating to the domain name registration of an electronic mail address of the recipient.

13.   (Amended)   A computer-implemented method for ordering an item, the method comprising:

sending to a client system instructions to display information identifying the item, to input an indication of a recipient to whom the item is to be delivered, and to send the indication of the recipient to the server system when an indicated single action is performed; and

after the indicated single action is performed,

receiving the indication of the recipient from a user of the client system;

determining whether the server system does not have sufficient information for the indicated recipient to deliver the ordered item; and

when the server system does not have sufficient information, obtaining additional information from one or more information sources other than the user that is sufficient to

deliver the ordered item to the indicated recipient, the one or more information sources being external to the server system.

14.   The method of claim 13 wherein the server system obtains the additional information by contacting the recipient directly.

15.   The method of claim 14 wherein the recipient is contacted directly via electronic mail.

16.   The method of claim 14 wherein the recipient is contacted directly via a voice telephone call.

17.   The method of claim 14 wherein the server system obtains the additional information by collecting information from one or more information sources selected from among an Internet-based telephone database, an Internet-based electronic mail database, a local telephone database, a local electronic mail database, an Internet-based search engine, and a database of information relating to the domain name registration of an electronic mail address of the recipient.

18.   The method of claim 13 wherein the indication of the recipient is an electronic mail address.

19.   (Amended)   The method of claim 13 wherein the displaying of the information identifying the item and the displaying of the indication of the action to be performed are performed before the receiving of the indication of the recipient from the user.

20.   The method of claim 13 wherein the client system and the server system communicate via the Internet.

21. The method of claim 13 wherein receiving includes receiving an identifier of the client system.

22. (Amended) The method of claim 13 wherein the instructions are within an HTML document.

23. A computer-implemented method for ordering an item using a client system, the method comprising:

    displaying information identifying the item at the client computer system;

    receiving from a user an identifier of a group of one or more recipients to whom the ordered item is to be delivered, the identified group having an indication of each recipient in the group;

    displaying an indication of an action that is to be performed by the user to order the item; and

    in response to the indicated action being performed, sending to a server system an indication that the item is to be ordered and the indication of each recipient in the group to whom the ordered item is to be delivered

    whereby when the server system does not have sufficient information for an indicated recipient to deliver the ordered item, the server system obtains additional information from one or more external information sources other than the user that is sufficient to deliver the ordered item to the indicated recipient.

24. The method of claim 23 wherein the indication of a recipient is an electronic mail address.

25. (Amended) The method of claim 23 wherein the displaying of the information identifying the item and the displaying of the indication of the action to be performed are performed before the receiving of the identifier of the group from the user.

26. The method of claim 23 wherein the client system and the server system communicate via the Internet.

27. The method of claim 23 wherein sending includes sending an identifier of the client system.

28. The method of claim 23 wherein the displaying is effected by displaying an HTML document provided by the server system.

29. The method of claim 23 wherein the action is a single action.

30. The method of claim 29 wherein the single action is clicking a mouse button when a cursor is positioned over a predefined area of the display.

31. The method of claim 29 wherein the server system obtains the additional information by contacting a recipient directly.

32. The method of claim 31 wherein the recipient is contacted directly via electronic mail.

33. The method of claim 31 wherein the recipient is contacted directly via a voice telephone call.

34. The method of claim 1 wherein the server system obtains the additional information by collecting information from one or more information sources selected from among an Internet-based telephone database, an Internet-based electronic mail database, a local telephone database, a local electronic mail database, an Internet-based search engine, and a database of information relating to the domain name registration of an electronic mail address of the recipient.

35. (Amended) A method in a computer system for coordinating the delivery a gift given by a gift giver to a recipient, the method comprising:

receiving an order from the gift giver, the order identifying a gift to be delivered to the recipient and having contact information describing the recipient;

storing the received order in an order database along with an order tracking number;

sending a communications to the recipient based on the contact information, the communications requesting delivery information for the gift, the communications including the order tracking number so that the recipient can include the order tracking number in a response to the communications for identification of the stored order;

when the recipient does not respond to the communications, collecting additional delivery information for the gift based on the contact information from sources other than the gift giver;

when potential delivery information for the gift has been identified, verifying whether the potential delivery information is valid; and

when the delivery location has been verified as being valid,

sending the gift in accordance with the delivery information; and

notifying the gift giver that the gift has been sent to the recipient.

36. (Amended) The method of claim 35 wherein the sending of a communication includes sending an electronic mail message.

37. The method of claim 35 wherein the order is received via access through a Web page.

38.   (Amended) The method of claim 35 wherein the delivery information is an address and where the verifying includes:

> checking a database of valid addresses to determine whether the address
>> can be determined to be a valid address; and
> when the address can be determined to be a valid address, indicating that
>> the delivery information has been verified; and
> when the address cannot be determined to be a valid address,
>> prompting a person to indicate whether the address is valid; and
>> when the person indicates that the address is valid, indicating that
>>> the delivery information has been verified.

39.   The method of claim 35 wherein the collecting of additional delivery information includes collecting information from one or more information sources that include an Internet-based telephone database, an Internet-based electronic mail database, a local telephone database, a local electronic mail database, a database of previous recipients and gift givers, an Internet-based search engine, and a database of information relating to the domain name registration of an electronic mail address of the recipient.

40.   The method of claim 35 wherein the communications is a telephone call placed to the recipient.

41.   The method of claim 35 including when the gift cannot be delivered to the recipient, notifying the gift giver that the gift cannot be delivered.

42.   (Amended) A method in a computer system for coordinating delivery of a gift from a gift giver to a recipient, the gift and recipient being specified in a gift order, the method comprising:

> determining whether the gift order includes sufficient information so that
>> the gift can be delivered to the recipient;

when sufficient information is not provided in the gift order, obtaining delivery information from one or more information sources other than the gift giver; and

when sufficient delivery information can be obtained from the additional information sources so that the gift can be delivered to the recipient, directing the gift to be sent to the recipient as indicated by the delivery information.

43. The method of claim 42 including receiving the gift order electronically.

44. The method of claim 42 wherein when the gift order contains information such that the recipient can be contacted, obtaining the delivery information by contacting the recipient directly.

45. (Amended) The method of claim 44 wherein the recipient is contacted directly by sending an electronic mail message.

46. The method of claim 44 wherein the recipient is contacted directly by a voice telephone call.

47. The method of claim 42 wherein the obtaining of delivery information includes collecting information from one or more information sources selected from among an Internet-based telephone database, an Internet-based electronic mail database, a local telephone database, a local electronic mail database, a database of previous recipients and gift givers, an Internet-based search engine, and a database of information relating to the domain name registration of an electronic mail address of the recipient.

48.   A computer-based gift delivery system for coordinating the delivery of a gift from a gift giver to a recipient, comprising:

an order entry component for providing a selection of available gifts, for receiving a selection of a gift, for receiving contact information describing the recipient, and for storing the gift order; and

a gift delivery component for retrieving the stored gift order, for determining whether the contact information includes sufficient delivery information to deliver the gift to the recipient, for when sufficient delivery information is not included, obtaining additional information about the recipient by attempting to contact the recipient and by searching various databases of information, and for directing the sending of the gift to the recipient when sufficient delivery information has been obtained.

49.   The gift delivery system of claim 48 wherein the order entry component assigns an order tracking identification to each gift order and wherein the gift delivery component includes the order tracking identification when attempting to contact the recipient.

50.   The gift delivery system of claim 48 wherein the gift delivery component searches various Internet-based databases using the recipient name or electronic mail address.

51.   The gift delivery system of claim 48 wherein the order entry component receives payment electronically.

52.   The gift delivery system of claim 48 wherein the order entry component is accessed via Web pages.

53.   A method in a computer system for coordinating the delivery a gift given by a gift giver to a recipient, the method comprising:

receiving an order from the gift giver, the order identifying a gift to be delivered to the recipient and having contact information relating to the recipient;

storing the received order in an order database in association with an order tracking number;

identifying an electronic mail address for the recipient using the contact information received from the gift giver;

sending an electronic mail message to the recipient based on the contact information, the message requesting delivery information for the gift, the message including the order tracking number so that the recipient can include the order tracking number in a response to the message for identification of the stored order;

when an electronic mail message that responds to the electronic mail message sent to the recipient is received from the recipient and the received message has sufficient delivery information,

retrieving the order tracking number and the delivery information from the received electronic mail message;

retrieving from the order database the order associated with the retrieved order tracking number;

directing delivery of the gift of the retrieved order in accordance with the retrieved delivery information; and

sending an electronic mail message to the gift giver indicating that the gift is being delivered to the recipient; and

when an electronic mail message that responds to the electronic mail message sent to the recipient is received from the recipient but the received message does not have sufficient delivery information or when no electronic mail message is received, sending an electronic mail message to the gift giver, the message indicating that the gift cannot be delivered to the recipient and including the

order tracking number so that the gift giver can include the order tracking number for identification of the stored order in a response to the message that provides additional contact information.

54.   The method of claim 53 wherein the identifying of an electronic mail address includes accessing one or more web sites for locating the electronic mail address of the recipient.

55.   The method of claim 53 including:

upon receiving the additional contact information, sending an electronic mail message to the recipient based on the additional contact information, the message requesting delivery information for the gift, the message including the order tracking number so that the recipient can include the order tracking number in a response to the message for identification of the stored order.

REMARKS

Claims 1-55 are pending. Claims 3, 13, 19, 22, 25, 35, 36, 38, 42, and 45 have been amended to correct minor grammatical and typographical errors. These amendments do not affect the issues on appeal.

Respectfully submitted,

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Date: May 19, 2003

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REMARKS

Claims 1-52 are currently pending. Applicants have added new claims 35-52.

Based on the above amendments, applicants respectfully request consideration of the application and its early allowance.

Respectfully submitted,

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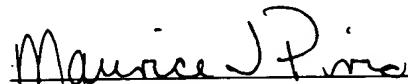
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Enclosures:
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    Check
    Form PTO-1083 (+ copy)
    Declaration
    Petition to Add Inventor (+ 2 copies)
    Statement of Sheldon J. Kaphan
    Assent of Assignee to Add Inventor
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APPENDIX
PENDING CLAIMS

3.   (Amended)   The method of claim 1 wherein the displaying of the information identifying the item and the displaying of the indication of the action to be performed are performed before the receiving of the indication of the recipient from the user.

13.   (Amended) A computer-implemented method for ordering an item, the method comprising:

sending to a client system instructions to display information identifying the item, to input an indication of a recipient to whom the item is to be delivered, and to send the indication of the recipient to the server system when an indicated single action is performed; and

after the indicated single action is performed,

receiving the indication of the recipient from a user of the client system;

determining whether the server system does not have sufficient information for the indicated recipient to deliver the ordered item; and

when the server system does not have sufficient information, obtaining additional information from one or more information sources other than the user that is sufficient to deliver the ordered item to the indicated recipient, the ~~from~~ one or more information sources being ~~that are~~ external to the server system.

19.   (Amended)   The method of claim 13 wherein the displaying of the information identifying the item and the displaying of the indication of the action to be

performed are performed before the receiving of the indication of the recipient from the user.

22. (Amended) The method of claim 13 wherein the instructions are within an HTML document.

25. (Amended) The method of claim 23 wherein the displaying of the information identifying the item and the displaying of the indication of the action to be performed are performed before the receiving of the identifier of the group from the user.

35. (Amended) A method in a computer system for coordinating the delivery a gift given by a gift giver to a recipient, the method comprising:

receiving an order from the gift giver, the order identifying a gift to be delivered to the recipient and having contact information describing the recipient;

storing the received order in an order database along with an order tracking number;

sending a communications to the recipient based on the contact information, the communications requesting delivery information for the gift, the communications including the order tracking number so that the recipient can include the order tracking number in a responseds to the communications for identification of the stored order;

when the recipient does not respond to the communications, collecting additional delivery information for the gift based on the contact information from sources other than the gift giver;

when potential delivery information for the gift has been identified, verifying whether the potential delivery information is valid; and

when the delivery location has been verified as being valid,

sending the gift in accordance with the delivery information; and

notifying the gift giver that the gift has been sent to the recipient.

36.   (Amended)   The method of claim 35 wherein the sending of a communications includes sending an electronic mail message.

38.   (Amended) The method of claim 35 wherein the delivery information is an address and where the verifying includes:

checking a database of valid addresses to determine whether the address can be determined to be a valid address; and

when the address can be determined to be a valid address, indicating that the delivery information has been verified; and

when the address cannot be determined to be a valid address,

prompting a person to indicate whether the address is valid; and

when the person indicates that the address is valid, indicating that the delivery information has been verified.

42.   (Amended) A method in a computer system for coordinating delivery of a gift from a gift giver to a recipient, the gift and recipient being specified in a gift order, the method comprising:

determining whether the gift order includes sufficient information so that the gift can be delivered to the recipient;

when sufficient information is not provided in the gift order, obtaining delivery information from one or more information sources other than the gift giver; and

when sufficient delivery information can be obtained from the additional information sources so that the gift can be delivered to the recipient, directing the gift to be sent to the recipient as indicated by the delivery information.

45.   (Amended)   The method of claim 44 wherein the recipient is contacted directly by sending an electronic mail message.

Application No.: 09/151,617

Docket No.: 249768002US1
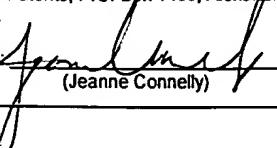
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Bezos et al.

Application No.: 09/151,617

Art Unit: 3624

Filed: September 11, 1998

Examiner: G. R. Akers

For: METHOD AND SYSTEM FOR PLACING A
PURCHASE ORDER VIA A
COMMUNICATIONS NETWORK

TRANSMITTAL OF RECREATED FILE HISTORY

Examiner G. Akers
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Due to a misplacement of the U.S.P.T.O. file history for the above cited application, and per your request, we have enclosed a recreation of the file history for U.S. patent application, 09/151,617, based on our own files.

Dated:

Respectfully submitted,
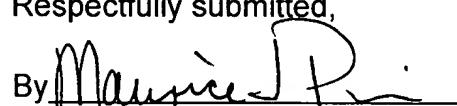
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